

REMARKS

Claims 1-7 and 9-26 are pending in this application, of which claims 1, 5-6 and 9 have been amended. Claim 8 has been canceled. No new claims have been added.

Claims 1-6, 8-9, 13 and 18 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,737,308 to Nakai et al. (hereafter "**Nakai et al.**").

Applicants respectfully traverse this rejection.

Nakai et al. discloses a recording medium utilizing a type of hierarchical organization of a first menu image plane of language selection (FIG. 8A); a second menu image plane of program selections (FIG. 8B), and a third menu image of practice contents (FIG. 8C), where the practice contents consist of normal accompaniment, guide vocal, or kara-ok and melody line, as disclosed in column 9, lines 5-23. FIGS. 9 and 13 show a hierarchical representation of audio parts, where FIG. 13A specifically shows that music data for one program may be broken down into introduction data, chorus data, and interlude data, and then the chorus data may be further broken down into multiple phrase data, including bridge data.

Concerning claim 1, a first menu screen, for example, "a selection menu of the world languages" is shown in FIG. 8A of **Nakai et al.**, and a second menu screen, for example, "a selected world language and its corresponding number" is shown in FIG. 8B. Although this indicates that the menu screens have a hierarchical structure, it is different from hierarchically expressing features of audio information with an audio program as an uppermost class as in the invention claimed in the present application.

In addition, FIG. 13A of **Nakai et al.** shows segments on a track of music data of a number. Namely, this merely indicates a recording format on a disk. In contrast thereto, the

invention claimed in the present application expresses features of audio information in text as metadata.

Concerning claim 2, although FIG. 13A of Nakai et al. shows that music data is composed of, for example, introduction data, one chorus, interlude data, chorus data, and interlude data (final), and the “one chorus” includes a plurality of pieces of phrase data P1, P2,...PN, this merely indicates a recording format on a disk. In contrast thereto, the invention claimed in the present application expresses features of audio information in text as metadata.

Concerning claims 3 and 4, FIG. 15 of Nakai et al. merely shows a display of an operation screen. The “Chorus” key and “Phrase” key shown in this drawing are buttons on the screen, and it indicates that reproduction of a chorus or a phrase is carried out when these keys are pressed. It is not conceivable that a technical idea of describing a hierarchy by hierarchy identifiers, audio types, feature types, and segment information thereof, as in the invention as claimed in the present application, has been taught in this drawing.

Although FIGS. 9 and 13 of Nakai et al. appear to have hierarchically expressed audio parts in terms of time, the present invention is for hierarchization not in terms of time but based on feature types. Accordingly, Nakai et al. does not disclose a hierarchical description of a plurality of feature types of audio information according to values indicating levels of the feature types as in the present invention.

On December 8, 2005, Applicants’ representative, Mr. Brooks, conducted a telephonic interview with the Examiner. The comments below are based on the results of that interview.

1. In the interview, regarding claim 1, it was argued that Nakai et al. discloses only that the menu screens have a hierarchical structure, in contrast to the present

invention in which features of audio information, with an audio program as an uppermost class, are described in metadata in order from highest to lowest hierarchies. The Examiner indicated that the term “metadata” is not recited in claim 1.

Accordingly, claim 1 has been amended to recite “in metadata.”

2. In the interview, regarding claim 2, it was argued that FIG. 13A of Nakai merely shows a recording format on a disk. In contrast, the present invention expresses features of audio information as metadata. The Examiner indicated that the term “metadata” is not recited in claim 2.

Claim 2 depends from claim 1, which recites “in metadata.”

3. In the interview, regarding claims 3 and 4, the Examiner indicated that FIG. 15 of Nakai et al. merely shows a display of an operation screen, and fails to show hierarchy identifiers, audio types, feature types and segment information, as recited in claims 3 and 4. The Examiner indicated that column 21, lines 31-37 of Nakai et al. disclose a “hierarchical data structure” for the data units, and he indicated that a “hierarchy identifier” would be “inherent” in such a scheme.

In response, Applicants respectfully submit that “hierarchical data structure” indicated by the Examiner corresponds to a data unit (DUT) described in FIGS. 2B and 9A of Nakai et al. Each of the data units includes AUDIO which is structured such as AUDIO #N, FRAME #N, HEADER, and DATA. This order is hierarchical, but it is only structure in the form of a physical unit such as AUDIO FRAME. Judging a sentence “The audio (AUDIO) information is comprised of audio frames (FRAME) which, during reproduction, produce a reproduction sound

of about 1 second,” in column 9, line 34 in Nakai et al., it is concluded that the DUT corresponds to a data of length of about 1 second.

However, an audio data of the claimed invention is structured as a meaningful unit such as audio program, scene, shot, etc. The audio data is not a usual audio data, but instead describes hierarchically an information on the audio data as metadata. Therefore, claims 3 and 4 of the present invention are not taught by Nakai et al.

4. Claims 5-6 have been amended to clarify the relation between start time code, end time code and duration.
5. In the interview, regarding claims 8-9 and 13, the Examiner indicated that a further review and/or search would be necessary to determine if the prior art discloses a “key” audio clip or a “key” stream.

In response, Applicants submit that “a key audio clip” and “a key stream” mean a main audio clip and a main audio stream, respectively. Examples of the “key audio clip” are a main chorus or introduction of vocal music. An example of the “key stream” is data of the lead vocal part, lead guitar part, and lead piano part, in the event the vocal music comprises streams (data) such a vocal part, a guitar part, and a piano part.

6. In the interview, the Examiner indicated that a further review and/or search would be necessary to evaluate the argued distinction between hierarchically expressed audio parts in terms of time, as in Nakai et al., versus hierarchization based on feature types (values indicating levels of the feature types) as in the present application.

Thus, the 35 U.S.C. § 102(e) rejection should be withdrawn.

The Examiner has allowed claims 7, 14-17 and 19-26 and has indicated that claims 10-12 would be allowed if rewritten in independent form. Applicants respectfully defer this action until a FINAL Office Action, if any, is received.

In view of the aforementioned amendments and accompanying remarks, claims 1-26, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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